

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 36104

STATE OF IDAHO,	)	2010 Unpublished Opinion No. 359
	)	
Plaintiff-Respondent,	)	Filed: February 25, 2010
	)	
v.	)	Stephen W. Kenyon, Clerk
	)	
DWAYNE ALLEN SWINT,	)	THIS IS AN UNPUBLISHED
	)	OPINION AND SHALL NOT
Defendant-Appellant.	)	BE CITED AS AUTHORITY
	)	

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Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Darla S. Williamson, District Judge. Hon. Dennis E. Goff, Senior Judge Pro Tem.

Judgment of conviction and consecutive sentences of fifteen years determinate and ten years indeterminate, for two counts of aggravated battery, affirmed.

Molly J. Huskey, State Appellate Public Defender; Justin M. Curtis, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Jessica M. Lorello, Deputy Attorney General, Boise, for respondent.

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Before LANSING, Chief Judge; GRATTON, Judge;  
and MELANSON, Judge

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PER CURIAM

Dwayne Allen Swint was found guilty of two counts of aggravated battery. Idaho Code §§ 18-903(a), 18-907(a).<sup>1</sup> The district court sentenced Swint to a term of fifteen years determinate on Count I and ten years indeterminate on Count II, to run consecutively. Swint appeals asserting that the district court abused its discretion by imposing excessive sentences.

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<sup>1</sup> The Court notes that the judgment of conviction incorrectly indicates that the appellant was found guilty of aggravated assault. The appellant's brief notes that a motion to correct a clerical error may be filed with the district court.

Sentencing is a matter for the trial court's discretion. Both our standard of review and the factors to be considered in evaluating the reasonableness of the sentence are well established and need not be repeated here. *See State v. Hernandez*, 121 Idaho 114, 117-18, 822 P.2d 1011, 1014-15 (Ct. App. 1991); *State v. Lopez*, 106 Idaho 447, 449-51, 680 P.2d 869, 871-73 (Ct. App. 1984); *State v. Toohill*, 103 Idaho 565, 568, 650 P.2d 707, 710 (Ct. App. 1982). When reviewing the length of a sentence, we consider the defendant's entire sentence. *State v. Oliver*, 144 Idaho 722, 726, 170 P.3d 387, 391 (2007). Applying these standards, and having reviewed the record in this case, we cannot say that the district court abused its discretion.

Therefore, Swint's judgment of conviction and sentences are affirmed.